

**Notice of Allowability**

Application No.

10/627,518

Applicant(s)

MAURER ET AL.

Examiner

Houshang Safaipoor

Art Unit

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal brief filed on 02/20/2007.
2. ☒ The allowed claim(s) is/are 1-10 and 12-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

**Reasons for Allowance**

1. Claim 11 is canceled.
2. Claims 1-10 and 12-20 are allowed.
3. This is examiner's statement of reasons for allowance.

Regarding claims 1-5 the prior art either singularly or in combination does not teach a dust tolerant scanner comprising:

“a media conformance member mechanically coupled to the housing and positioned adjacent the reference surface, the media conformance member including an aperture through which the optical path extends without obstruction such that dust or debris can fall through the aperture, the media conformance member being formed such that media advanced by the document feeder along the media path is biased toward the reference surface.”

Regarding claims 6-10, 12 and 13 the prior art either singularly or in combination does not teach a media scan assembly for a dust tolerant scanner, the media scan assembly comprising:

“an upper document feeder portion and a lower document feeder portion providing a media path, the upper document feeder portion including a reference surface adjacent the media path, the lower document feeder portion including a media conformance member formed such that media advanced along the media path is biased toward the reference surface, the media conformance member including an aperture facing the reference surface, the aperture providing an optical path to the media path and being formed such that dust or debris can fall through the

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aperture, the lower document feeder portion being configured to be attached to a main housing of the scanner and at least one drive roller configured to advance media along the media path.”

Regarding claims 14-17 the prior art either singularly or in combination does not teach a media scan assembly for a dust tolerant scanner, the media scan assembly comprising:

“an upper document feeder portion and a lower document feeder portion defining a media path, the lower document feeder portion including a media conformance member shaped to push a piece of media against the upper document feeder portion, the media conformance member including an aperture shaped to provide an optical path to the media path and such that dust or debris can fall through the aperture and a media driver configured to reposition media along the media path.”

Regarding claims 18-20 the prior art either singularly or in combination does not teach a media scan assembly for a dust tolerant scanner, the media scan assembly comprising:

“an upper document feeder portion and a lower document feeder portion defining a media path, the upper document feeder portion and the lower document feeder portion being configured to advance media along the media path, the upper document feeder portion including a reference surface, the lower document feeder portion including a media conformance member configured to push a piece of media in the media path against the reference surface, the media conformance member including an aperture facing the reference surface, the aperture providing an optical path to the media path and being formed such that dust or debris can fall through the aperture.”

The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

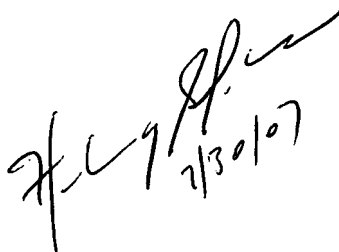
4. *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore whose telephone number is (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
Patent Examiner  
Art Unit 2625  
July 30, 2007



**DETAILED ACTION**

***EXAMINER'S AMENDMENT***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of issue fee.

Authorization to amend the claims and the specification was given in telephone interview with Peter L. Holmes (Reg. No. 37,353) on July 23, 2007.

2. In the Claims:

Please amend the claims as follows:

6. (Currently Amended) A media scan assembly for a dust tolerant scanner, the media scan assembly comprising:

an upper document feeder portion and a lower document feeder portion providing a media path, the upper document feeder portion including a reference surface adjacent the media path, the lower document feeder portion including a media conformance member formed such that media advanced along the media path is biased toward the reference surface, the media conformance member including an aperture facing the reference surface, the aperture providing an optical path to the media path and being formed such that dust or debris can fall through the aperture, the lower document feeder portion being configured to be attached to a main housing of the scanner; and

at least one drive roller configured to advance media along the media path.

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11. (canceled)

12. (Currently Amended) A media scan assembly as claimed in ~~claim 11~~ claim 6 wherein the media conformance member includes at least one ramp portion.

18. (Currently Amended) A media scan assembly for a dust tolerant scanner, the media scan assembly comprising:

an upper document feeder portion and a lower document feeder portion defining a media path, the upper document feeder portion and the lower document feeder portion being configured to advance media along the media path, the upper document feeder portion including a reference surface, the lower document feeder portion including ~~an aperture facing the reference surface, the media path being~~ a media conformance member configured to push a piece of media in the media path against the reference surface, the media conformance member including an aperture facing the reference surface, the aperture providing an optical path to the media path and being formed such that dust or debris can fall through the aperture.



Houshang Safaipoor  
Patent Examiner  
July 30, 2007